## Bayer HealthCare Pharmaceuticals



## RECEIVED CENTRAL FAX CENTER

OCT **0 4** 2006

To Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

 Fax
 (571) 273-8300
 Pages
 13 (including cover sheet)

 Date
 October 4, 2006

 From
 Susan M. Pellegrino

 Fax
 (203) 812-6459
 Tel.
 (203) 812-6450

 Re
 U.S. Patent Application Serial No.: 10/749,593

For U.S. Patent Application Serial No. 10/749,593

- 1) Reply to Office Action mailed on April 6, 2006
- 2) Application Data Sheet (2 pages)
- 3) Fee Transmittal (PTO/SB/17) [IN DUPLICATE]
- 4) Certificate of Transmission under 37 CFR 1.8
- 5) Fax Cover Sheet

Bayer Pharmaceuticals Corporation

400 Morgan Lane West Haven, CT 06516

Phone: Fax: (203) 812-6450 (203) 812-6459

E-mail

susan.pellegrino.b@bayer.com

If you have any problems with the attached facsimile call (203) 812-6450.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

PTC/SB/97 (05-03)

Approved for use through 04/30/2003, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Peperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

October 4, 2006 Date

Susan St. Kelbaurs
Signatures

Susan M. Pellegrino, Reg. No. 48,972

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

For U.S. Patent Application Serial No. 10/749,593

- 1) Reply to Office Action mailed on April 6, 2006
- 2) Application Data Sheet (2 pages)
- 3) Fee Transmittal (PTO/SB/17) [IN DUPLICATE]
- 4) Certificate of Transmission under 37 CFR 1.8
- 5) Fax Cover Sheet

This collection of Information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidertiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and automitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, cell 1-800-PTO-9199 and select option 2.

## CENTRAL FAX CENTER

Application Number

Filing Date

OCT 0 4 2006

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a yalld OMB control number.

December 31, 2003

10/749,593

for FY 2005		First Named Inventor			Albrecht Marhold				
Effective 10/01/2004. Patent fees are subject to annual revision.	_	Examiner Name			Taylor V. O	Taylor V. Oh			
Applicant claims small entity status. See 37 CFR 1.27		Art Un	it		1625				
TOTAL AMOUNT OF PAYMENT (\$) 1,020.00		7.110[112] 2.5.11			Mo 5346D2	Mo 5346D2/LeA 32 314D2			
METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)						
Check Credit card Money Other None	3.	3. ADDITIONAL FEES Large Entity   Small Entity							
Deposit Account:	Fee	Fee	Fee Fee Fee Fee Description Fee Pa					ee Paid_	
Deposit Account 13-3372	105		2051 6	65 Surcharge - late filing fee or oath					
Number Deposit Account Jeffrey M. Greenman	105		2052 2	nu2 B	charge - late pro er sheet	visional filing fee	or		
Name  Name  The Richards is supported to: (check all that apply)	10	53 130 12 2,520	1053 13 1812 2.52		n-English specific filing a request fo	or ex parte reex:	amination _		ĺ
Charge fee(s) indicated below	18		1804 9	n• Rec	questing publicati	ion of SIR prior l			
Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee	18	05 1,840	1805 1,8	40° Red	aminer action questing publical aminer action	tion of SIR after	<u> </u>		
to the above-identified deposit account.	1,2	251 110 2251 55 Extension for reply within first month							
FEE CALCULATION 1			52 430 2252 215 Extension for reply within second month						
1. BASIC FILING FEE Large Entity Small Entity Large Entity Fee Paid		53 980			ctension for reply ctension for reply				ļ
Fee Fee Fee Fee Fee PeeCription Fee Paid Code (\$) Code (\$)		54 1,530			mension for reply ktension for reply				Ì
1001 790 2001 395 Utility filing fee		955 2,080 101 340	2401		otice of Appeal		1		[
1002 350 2002 175 Design filing fee		102 340	2402	170 Fil	iling a brief in sup		at j	<del></del>	1
1003 550 2003 275 Plant filing fee 1004 790 2004 395 Reissue filing fee		103 \$00	2403		equest for oral he etition to institute		veedina		1
1005 160 2005 80 Provisional filing fee	, ,	451 1,510 452 110			etition to revive -				į
SUBTOTAL (1) (\$)	<u> </u>	453 1,370	1		etition to revive -			<b> </b>	1
2. EXTRA CLAIM FEES FOR UTILITY AND REISSU		501 1,370			trility issue fee (o	r reissue)			1
Extra Claims   below   Fee Par	31	502 499 503 660			Design leave foc Plant issue fee				.
Independent 3 x	71	460 136	1	130 P	etitions to the Co				
Claims Multiple Dependent	] 1	807 5	1807	50 P	Processing fee ur	nder 37 CFR 1.1	7(q)		11
Large Entity   Small Entity   Fee Fee   Fee Fee   Fee Description	١ ١	806 18			Submission of Info Recording each p	atent assignmer	ni per		il
Code (\$) Code (\$)		3021 4		~~ 5	property (times nu Filing a submission	nwper or broben	ies)		<b>11</b>
1202 18 2202 9 Claims in excess of 20 1201 88 2201 44 Independent claims in excess of 3	1 1	809 79	2809	(	(37 CFR 1.129(a)	"			11
1203 300 2203 150 Multiple dependent claim, if not pai	a   '	1810 79	2810	е	For each addition examined (37 CF	TR 1.129(b))		<u> </u>	{ <b>[</b>
1204 88 2204 44 ** Reissue independent claims over original patent	ł	1801 79	0 2801	395	Request for Con	tinued Examina	tion (RCE)	<b>}</b>	- 1
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	ı	1802 90	1802	900	Request for exp of a design appli	ication ication	(IOI)		10745593
and over original parent	٦١.	Other fee	(specify)		- P-14		(\$) 1.02	20.00	1 🧯
**or number previously paid, if greater, For Relssues, See above		*Reduced	by Besic F	ling Per	e Faid S(	OB IO (AL (3)	(3) 1.02 (intain))		共
SUBMITTED BY		Rodi	tration No.	Tier	- T	Telephone (20	3) 812-64	50	
Name (Print/Type) Susan M. Pellegrino		(Attan	-eγ/Agent)	48,5	972	Date Oc	tober 4, 20	006	<b>一</b>
Signature Man M. fille		-0	o public	Credit	t card informa	tion should r	ot		650
WARNING: Information on this four be included on this form. Provide C	n ma: redit	card Inf	omation	and a	uthorization	on PTO-2038.	dic which is	to file (and )	ay the
This collection of information is required by 37 CPR 1.17 and 1.27.	The in 35 U.S	nformation 5.C. 122 a	is required and 37 CF7	10 0016 3 1.14.	This collection	is estimated to	take 12 mir	nutes to com	iplete, 👄
including gathering, preparing, and submitting the completed applications including gathering, preparing, and submitting the completed applications including gathering, preparing and submitting the completed applications are submitted as a submitting the completed applications and submitting the completed applications are submitted as a	ation fo stions	orm to the for reduci	USPTO. T	lime wil den, sh	nould be sent to t	the Chief Inform	ation Office	r. U.S. Pater	nt and
the amount of time you require to compete this total state of the stat	, Alex	andria, V/ 22313-145	<u>22</u> 313-14 0.	50. DO	NOT SEND FE	ES OR COMPI	LETEU FOR	***** 10 II	
SUBTOTAL (2) (\$)  **Or number previously paid, if greater, For Relssues, see above  SUBMITTED BY  Name (Print/Type) Susan M. Pellegrino  Signature WARNING: Information on this food  be included on this form. Provide of  This collection of information is required by 37 CPR 1.17 and 1.27.  USPTO to process) an application. Confidentiality is governed by including gathering, preparing, and submitting the completed application and or suggest the amount of time you require to complete this form and/or suggest the amount of from U.S. Department of Commerce, P.O. Box 1450  SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandric  3* RCVD AT 10/4/2006 6:44:42 PM [Eastern Daylight Time] * SVR:US		~ ~ 011 1_R	ALPTO-RI	aa and s	select option 2.		N ( ) -	20.00	35
3 ^ KCVD AT 10/4/2006 6:44:42 PM [Eastern Daylight Time] * SVR:US	PT0-E	:rxrF-3/9	* DNIS:27	38300 *	CSID:203 812 5	1492 ° DURATIO	):(22-mm) א	J3 <b>-3</b> 0	37.20
									3/0
									÷